
City of Sherwood, Oregon
Planning Commission
June 23, 2015

Planning Commission Members Present: Staff Present:

Chair Jean Simson

Vice Chair Russell Griffin

Commissioner Michael Meyer

Commissioner Alan Pearson

Julia Hajduk, Community Development Director

Bob Galati, City Engineer

Craig Sheldon, Public Works Director

Brad Kilby, Planning Manager

Michelle Miller, Senior Planner

Michelle Babcock, Administrative Assistant

Planning Commission Members Absent:

Commissioner James Copfer

Commissioner Chris Flores

Commissioner Lisa Walker

Council Members Present:

None

Legal Counsel:

None

1. Call to Order/Roll Call

Chair Jean Simson called the meeting to order at 7:00 pm.

2. Consent Agenda

Chair Simson asked that clarification that the background check required for medical marijuana dispensary was for the owner in the April 14, 2015 Planning Commission meeting minutes. She gave scrivener's errors for both the April 14 and May 12, 2015 to staff.

Motion: From Commissioner Alan Pearson to approve the Consent Agenda, Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioners James Copfer, Chris Flores, and Lisa Walker were absent).

3. Council Liaison Announcements

Council President Sally Robinson spoke of the Mayor's priority to have a dog park in Sherwood and said Council looked forward to a recommendation from the Planning Commission.

4. Staff Announcements

Brad Kilby, Planning Manager, asked for confirmation from commissioners who wanted to attend a tour of Villebois in Wilsonville on July 10th.

Mr. Kilby informed the Commission that a Sherwood West Preliminary Concept Plan Ice Cream Social was held on June 18th with thirty seven people attending. He said the project had an online survey with three alternatives; available until July 19, 2015. The next Community Advisory Committee meeting will be held on July 30, 2015 at the Police Facility where comments received from the public will be reviewed and a plan refined. Mr. Kilby told the Commission they would receive an update at the July 14, 2015 Planning Commission meeting, the same night there will be a public hearing on proposed Backyard Chicken legislation.

Mr. Kilby said the Planning Department will have public outreach at Music on the Green in July and August regarding the Sherwood West Preliminary Concept Plan, the Cedar Creek Trail and possibly the Tannery Site Assessment.

Mr. Kilby announced that the City received a notice to proceed for the Cedar Creek Trail after three years with the Oregon Department of Transportation (ODOT) and the Federal Highway Administration. He said there would be a site visit the following week to identify areas that needed to be surveyed for the alignment. The Local Trail Advisory Committee (LTAC) would begin meeting in September and construction may begin in 2016.

Mr. Kilby asked Community Development Director, Julia Hajduk, to talk about the Tannery Site Assessment project. Ms. Hajduk passed out a copy of the Public Involvement Plan (see record, Exhibit 1) and said on July 28, 2015 there would be a public work session focusing on the Tannery Brownfield Site Assessment. She said the Washington County's Public Health Department staff would facilitate the meeting. Ms. Hajduk reminded the Commission that the City received a grant from the Environmental Protection Agency (EPA) to do a site assessment of two of the orphaned tannery sites that had been foreclosed by Washington County. She said the City would do some site assessments to determine the liability and obligations for cleanup should the City acquire the property. Ms. Hajduk described an idea of possibly moving the Public Works yard to the larger tannery site, freeing up the existing Public Works site to redevelop into something more compatible with Old Town. She pointed to the schedule on the last page of the Public Involvement Plan and indicated the project would officially kickoff at the Public Work Session on July 28, 2015 and conclude in Spring 2017. She said at the end of the process the City would have a good idea of the issues, and what sort of cleanup would be needed to allow the Council to make a formal decision regarding acquisition of the property.

Chair Simson asked for clarification of where the parcels in question were. Ms. Hajduk said they were the eastern most pieces next to Rock Creek about where Orland Street met Oregon Street.

Mr. Kilby then reported regarding development and said Sherwood High School had purchased property on 1st Street and the red house would be demolished shortly followed by a land use review before the Planning Commission and building beginning in the fall.

Mr. Kilby stated there had been inquiries from developers interested in developing commercial zoned property residentially and announced that DR Horton was in the process of constructing public improvements off of Meinecke Parkway. He said Killer Burger has announced a location on Langer Farms Parkway and that the Old Spaghetti Factory had submitted for building permits, hoping to open in the spring.

Mr. Kilby announced that Woodhaven Park Phase II was in review and a request for annexation of eighty two acres in the Brookman area had been received and would go before City Council, on August 4, 2015 to be placed on the ballot in November 2015. The annexation request would not be heard by the Planning Commission.

Mr. Kilby asked for any questions from the Commission.

Commissioner Pearson asked about Baja Fresh coming to Sherwood. Mr. Kilby confirmed and responded that the proposed work would not require a modification to the approved land use unless the parking is changed.

Vice Chair Griffin asked for an update on any medical marijuana dispensary applications. Michelle Miller, Senior Planner replied that an application had been received and the decision would be made after June 26, 2015. She said the comment period was still open and reminded that social media comments would not be part of the public record.

5. Community Comments

Anthony Bevel, Sherwood resident commented on traffic calming devices. He said he lived on Lynnlly Way, a street between Roy Rogers Road and Edy Road, which had become a cut through street. Mr. Bevel said he has commented several times about traffic calming devices and he would like to see measures to slow the traffic put in on his street. He commented regarding excuses received about the fire department not wanting the devices or that there was no budget for them. He said his and other streets should be looked at for traffic calming.

With no other comments, Chair Simson moved to the next item on the agenda.

6. New Business

a. Public Hearing – SP 15-01 Snyder Park Dog Park (Brad Kilby)

Chair Simson read the public hearing statement and asked the Commission for ex parte, bias or conflicts of interest.

Chair Simson stated that she had a conversation with a coworker about dog parks and the hours of operation saying Newberg and Lake Oswego had limited hours of operation. She said the conversation would not affect her ability to make an unbiased decision and disclosed that she had visited Snyder Park on more than one occasion. No other statements were received.

Chair Simson explained that the Planning Commission was the final decision maker unless the application was appealed and then it would be heard by City Council. She asked if any member of the audience wished to challenge any Planning Commission member's ability to participate. None were received. Chair Simson asked for a staff report.

Brad Kilby, Planning Manager stated the land use action, SP 15-01 Snyder Park Dog Park, was a major modification to the original approved site plan for Snyder Park and began a presentation (see record, Exhibit 2). He explained that the land was acquired in 1993 and constructed as Sunset Park in 2003. Subsequent to that action there were approved modifications for construction of the tennis courts, the reservoir, pump station, and field lighting as late as 2008. Snyder Park is approximately 20.88 acres and is bound on the east by SW Division Street, on the west by Sunset Blvd, on the south by SW Pine Street and by a residential neighborhood to the north. Mr. Kilby said the proposal was to add an approximately one acre fenced and gated off-leash area for dogs that would operate under the existing park rules from dawn to dusk (lighted fields have their own hours of operation as set by the hearings officer).

Mr. Kilby explained that the off leash dog park area would have a gated entry, separated areas for large and small dogs and amenities that included a watering station, table, benches, shelter, play features, bark dust and a grass turf field. He said the dog park was proposed to be constructed as funds became available and current available funds would install the fences, landscaping, bark dust and some of the amenities, but some amenities like the shelter were likely to be constructed later, even though they were included in the application.

Mr. Kilby related that construction equipment would be staged on the gravel access location off of Pine Street, once the dog park was completed, the access would be closed and not be a location for vehicular access to the park.

Mr. Kilby clarified that as a major modification to an approved site plan the scope of the review was limited to the changes being made to the existing park. He said staff looked at issues that may affect nearby residences and related mitigation measures. He noted that there are no set design standards for parks, but staff reviewed the noise, odors, aesthetics, parking, and impacts to nearby property owners. Mr. Kilby pointed out measures to reduce the impact to neighbors that included a thirteen foot landscaping buffer between the park and the adjacent neighborhood, no additional lighting, on site waste collection, gated access to the park, and posted park rules regarding animal control inside the park. He said the park would be maintained by Public Works as part of their regular maintenance schedule with daily garbage pickup and park rules would require pet owners to clean up after their pets with the provided bagging station within the park.

Mr. Kilby stated staff recommended approval of the application with the conditions as listed and indicated there were several trees on site (see sheet L1.4 in the application materials) which were all proposed to remain and Staff had required tree protection for the trees during construction, a storm water connection permit from Clean Water Services to handle runoff from the site, and dedications and easements for utilities and the right-of-way for the extension of utilities and the future build out of SW Pine Street. Mr. Kilby commented that the City would be dedicating land for future street (currently dedicated as park land) to ensure the right-of-way for future Pine Street improvements.

Mr. Kilby asked for questions from the Planning Commission.

Chair Simson asked if the dedication would include improvements to Pine Street and if the street would be full width with parking at a future date. Mr. Kilby replied it was just a dedication.

Bob Galati, City Engineer, responded that the dedication requirements were based on City street standards and a design done for the Pine Street Extension which would be the same as the existing Pine Street without parking on either side. Mr. Galati said it was possible to modify the design and have parking in the future, but the street would still fit within the standardized right-of-way width.

Mr. Kilby added that current signage included “No Parking” signs along the Pine Street frontage and that parking requirements were assumed to be the same as before the addition of the dog park where there was sufficient parking to accommodate the use.

Chair Simson opened the public hearing for testimony. She noted that staff was also the applicant.

Michelle Miller, Senior Planner, and Craig Sheldon, Public Works Director for the City of Sherwood came forward. Ms. Miller stated that Mr. Sheldon was in charge of City parks and park maintenance and had an integral role in the proposed application of the dog park.

Ms. Miller gave a presentation (see record, Exhibit 3) and said as noted by Council President Robinson there had been a lot of support within the community to get a dog park in the City. Ms. Miller reported that the Parks Board and staff took up the challenge to find a location for the first dog park in Sherwood about a year ago and looked at a variety of sites; landing on Snyder Park as the best location. She said a public open house was held on September 2, 2014 resulting in some minor changes to the design and a neighborhood meeting was held on March 2, 2015. She also confirmed that City Council recently approved the dog park as a line item in the City budget.

Ms. Miller showed the location of Snyder Park with the proposed off leash area. She explained that the dog park was approximately 370 feet above sea level offering a great view as it looked down on Pine Street at about a 1.5% grade. She said the trees would remain on the site and the photo shown was taken right on the path looking towards the proposed dog park. Ms. Miller presented a detailed site plan with the large dog park area at .58 acres and the smaller dog park at .12 acres. She said the dogs and their owners would enter a gated area (fence will be approximately five feet tall), then enter either the large park area or small park area and be able to take their dogs off the leash. She said the park was about eighty five feet from Pine Street and about thirteen feet from the residential properties to the south (the residential properties are surrounded by a six foot high wood fence). The thirteen foot wide area between will be a landscape buffer with another fence confining the dog park area.

Ms. Miller noted a nearby resident's concern from the neighborhood meeting that people might park on Pine Street, where there is no parking, and trek up the hill to the dog park. She said adjacent to the dog park on Pine Street was a substantial berm that will be difficult to traverse and the entrance to Snyder Park is located at the top of the hill.

Ms. Miller showed the gravel construction staging area for the dog park, the south parking lot off of Sunset Blvd., and the north parking lot off of Division Street near the ball park. She showed access pathways to the off leash area and said some of the various amenities designed to be on the project included park benches, picnic tables, a dog water fountain, trash enclosures, dog themed benches, and doggie waste bags.

Ms. Miller stated the applicant was in agreement with the conditions of approval and requested approval of the application.

Chair Simson asked for questions from the Commission.

Commissioner Alan Pearson commented that he lived in the area and did not currently own any dogs. He asked if there would be signage between the large and small dog areas and what differentiation there would be for medium dogs; would it be by height or weight.

Craig Sheldon, Public Works Director responded that staff had conducted a lot of research and found that most agencies post signage for large and small dogs and the dog owners made the decision as to which park to enter, because they know their dogs. He added that there would be signage placed in the park with dog rules and he was advised to set the rules up front without changing them.

Commissioner Pearson received confirmation from Mr. Sheldon that the turf would be grass and stated that dog urine burns the grass. Commissioner Pearson assumed the area would not be irrigated and asked about the anticipated cost of replacement for grass that is urine burned and would no longer grow.

Mr. Sheldon replied that the plan did include an irrigation system in the grass area and acknowledged that there could be issues, but said there were ways to deal with them. He indicated a bigger issue at Snyder Park was that there are times of the year where the park would have to be closed. A lot of other dog parks had an off leash area for during the winter months, but this one did not. Mr. Sheldon said the Parks Board agreed that the dog park would have to be shut down if the turf becomes torn up.

Commissioner Pearson disclosed that he was in favor of the park, but wanted assurance that all of the costs were considered. He asked what would be done about dogs that liked to dig.

Mr. Sheldon responded that about 500 hours a year of maintenance labor was expected for upkeep of the park including extra fertilization, but there were things outside of the budget that may not have been thought about.

Commissioner Pearson commented that Snyder Park users hoped the dog park would go a long way to alleviating the “extra little packages” left behind in other areas of the park. He asked if “pooper scoopers” would be available or if dog owners were expected to use the plastic bags. He was told there would be bags provided by the City unless a donation was received.

Commissioner Pearson spoke of using recycled shopping bags. He commented that the park was well thought out, he liked the fake fire hydrant, and he did not foresee many more dogs using the park, that were not already using Snyder Park, so he did not see a lot of increased noise or traffic. He mentioned that he thought it would be the first of many, because there are dogs in all parts of the city, and it was a nice place to start.

Mr. Sheldon added that there were about 18 parking spots on Division Street built during the reservoir project and more No Parking signs would be added on Pine Street.

Vice Chair Griffin asked for clarification about fencing for the park and the smaller dog area. He was informed that there is a perimeter fence around the park and a separate area for the small dogs; all fences would be five feet tall. Vice Chair Griffin said he was thinking about mixing different sized dogs and received confirmation that only the small dogs were allowed in the little area and the rest of the park was open to the big dogs. He suggested a height requirement sign. Mr. Griffin commented on Exhibit B, a letter from Ms. Gillson, who thought the small dog area was not big enough and asked for any research done.

Mr. Sheldon replied that the city was trying to fit the dog park in a certain area using the funds available and to be good neighbors to the residents nearby, but space was limited due to a water vault and water lines that could not be encroached upon.

Vice Chair Griffin asked if the thirteen foot deep landscape buffer to the residential properties would be sight blocking when fully grown. Mr. Sheldon confirmed it would.

Chair Simson asked if any buffering would be placed to improve the view from Pine Street up the hill or if people would just see a fence.

Mr. Sheldon indicated it would just be the fence and added that planting anything was a concern because of the infrastructure below.

Vice Chair Griffin asked how the City anticipated policing the dog park rules. Mr. Sheldon responded that public works does not write tickets and the police non-emergency line should be called. Vice Chair Griffin clarified by restating the question and asked if the rules would be clearly marked and what backing there would be for rules that are broken.

Mr. Sheldon answered that public works staff were often on site, a citizen could call, or at times the Police may be there. He confirmed with Chair Simson that code compliance would take care of noise, odor, and other issues neighbors may have and a phone number would be posted with the rules.

Chair Simson asked about closing the park during the winter months. Mr. Sheldon responded that if the park becomes too muddy it would need to be closed.

Chair Simson commented that the neighborhood meeting information was not included in the packet. Ms. Miller said it was likely an oversight.

Commissioner Pearson asked about liability issues should a person be bitten in the park. Mr. Kilby compared the liability to someone falling and breaking an arm at the park and confirmed that the City had insurance. Mr. Sheldon added that staff had been working with the insurance company regarding the information posted on the signage.

Commissioner Michael Meyer asked if there was a double gate to get into the park space. Mr. Sheldon responded that there would be two gates to go through to get into the dog park.

With no other questions for the applicant, Chair Simson asked for public testimony. She asked first for proponents then opponents followed by other.

Pat Johnson, Sherwood resident near the proposed dog park said he put other on the form. He said he thought a dog park was a great thing for the community, but had concerns about the parking, because people do park on [Pine] street and it backs up. He said since Langer Farms Parkway was extended to Home Depot the traffic had increased a lot. Mr. Johnson revealed that he wrote to and received a response from the Police Chief Groth about the speeding from through traffic. Mr. Johnson expressed concerns about safety for children, dog walkers and potential accidents. He asked if the entrance on the side facing Pine Street could be looked at again.

Chair Simson responded that she did not think the entrance to the park would be on the Pine Street side. She pointed out that the gravel area was a chained off, construction staging area that was used for the water reservoirs. She said the chain and the berm were expected to stay to discourage access to the park from Pine Street. Mr. Johnson expressed that he wanted to point out the problem of having more dogs and kids in an area that was experiencing increased traffic problems.

Kathleen Williams, Sherwood resident near the proposed dog park said she was at the last meeting at City Hall for the dog park. She stated she was part of a group that canvassed the area and gathered signatures when a housing subdivision was proposed along Pine Street. She said a newer member of the Parks Board told her that the dog park was set back far enough to still have lots for houses. Ms. Williams commented on the lack of historical knowledge for new board members to understand what has happened in Sherwood and she wished that the history and the cost to the community to provide city parks could move forward with projects so the integrity and trust of the community could continue to be understood. She said the Snyder Park property was condemned because Sherwood wanted and needed land for parks and commented about the City taking the land for real estate purposes. She wanted people to understand what was sacrificed, to know the history of the property, and that promises are kept.

Chair Simson said staff could address the residential lot comment and asked for a rebuttal from the applicant.

Ms. Miller stated she did not have anything to rebut.

Chair Simson commented about the speeding traffic on Pine Street, stated there will be signage for "No Parking" and asked about any other ideas the city may have to keep the crossings at Pine Street safe.

Mr. Galati answered that increased traffic volume for Pine Street was considered to be at local traffic levels and the City would not be addressing it. He said traffic speed could be addressed by modifying

people's behavior through a speed trailer to help drivers identify when they are speeding and if that does not work to enhance patrols in the area. Mr. Galati indicated that the result of trying to modify behavior through a physical attribute like a speed hump would be limited unless there were multiple speed humps. He said when we talk about speed humps and speed control we look at response times for police and fire safety. Mr. Galati commented that if the city was trying to promote safety it was a matter of public awareness which meant signage, working with the Police Department, or a solar powered speed sign. The main thing was to have a program of public awareness around the issue and to try to modify people's driving behavior.

Chair Simson indicated that her concern was how far the nearest crosswalk was and asked if there were ways to add a crossing.

Mr. Galati responded that any crossing on Pine Street would be mid-block on an undeveloped road situation and the city did not want people to cross there, go up the gravel drive, or climb the slope. Providing a crosswalk would encourage behavior that was not wanted. He acknowledged that the city wanted safe street crossings for those who lived in the area and said a condition could be added or that the area could be studied. He said he did not believe the city wanted pedestrian traffic crossing mid-block.

Chair Simson asked for input from the Commission.

Mr. Kilby noted that if a condition was added, then a finding with evidentiary backing would need to be added. He cautioned the Commission that an added condition would have to be enforceable. He compared mid-block street crossing behavior with a speeding driver and the need to change unwanted behavior instead.

Commissioner Pearson commented that he had the advantage of living in the area near the Sunset Blvd. entrance. He said he drove down Pine Street to get into town and the chained off construction access was a steep, weedy, rocky berm that is not a good location to access the park. Commissioner Pearson noted that the Sunset Blvd and Division Street entrances to Snyder Park were well paved and not as physically demanding. He reported that he had never seen anyone take the construction entrance as a shortcut to get into the park and commented that there was plenty of adequate parking off of Sunset Blvd with the parking lot or on street parking. Commissioner Pearson said a conscientious dog owner would not want to walk his dog up the area, because it was hard on the dog's paws, particularly when there are two other entrances that are more comfortable, easily accessed, and in close proximity to grass entrances from both directions.

Commissioner Meyer asked if there was plan for sidewalk completion on Sunset Blvd around Pine Street and adding crosswalk there. He noted that across the entrance where Pine Street hits Sunset Blvd. the sidewalk was not completed. He asked if that would be an acceptable solution.

Mr. Galati explained that Phase 2 of the Pine Street extension did include sidewalk development along Sunset Blvd to fill in the gap, but the plan had been shelved and was on a waiting list with all of the other capital improvement projects.

Vice Chair Griffin said he did not own a dog and believed Commissioner Pearson's comments to be valid. He said there was no parking on the east side of Pine Street and asked if there was parking on the west side. Ms. Miller confirmed that both sides of Pine Street in front of the park had "No Parking" signs.

Chair Simson asked staff to address the eighty five foot setback in anticipation of additional houses mentioned in community comments and if houses were in the Parks Master Plan.

Ms. Miller responded that she did not know if it was in the Parks Master Plan and acknowledged that there was a subdivision application and approval a few years ago that the City decided not to move forward with. She said the park was zoned low density residential and eighty five feet was potentially enough for a residential lot.

Mr. Sheldon clarified that there were water lines near the proposed dog park and the plan at Snyder Park was to eventually build another reservoir, in about twenty years, near the existing reservoirs. He said there was a 42-48" water main that goes into a vault and that was why the dog park could not go any closer to the road because there had to be access to the vault. He reiterated that the property could not be developed because there was water line infrastructure going through the area in an easement.

Chair Simson asked for confirmation that there was a dedicated easement between Pine Street and the dog park that would not enable houses to be built.

Mr. Sheldon responded that houses could not be built in that section off of Pine Street. Mr. Sheldon added that the staging area was put in for the reservoir construction and left to build Pine Street Phase 2 improvements which had been tabled because there was no money to finish Pine Street.

Chair Simson asked if the berm would be replaced once Pine Street Phase 2 was complete so the perceived entrance would go away. Mr. Sheldon confirmed and added that there was a four way intersection at Pine Street and Division Street for people to cross.

With no other comments, Chair Simson closed the public hearing and asked for final comments from staff.

Mr. Kilby commented that he owned two large dogs and he frequented some of the dog parks in the area including Luscher Farms in Lake Oswego and Gabriel Park in Portland, and as a dog owner he policed other dog owners that did not pick up their dog's messes or when they were doing something stupid that would compromise his ability to enjoy the park. He stated that a lot of other dog owners did the same and he thought there were rare occasions of conflict between dog owners, because they tend to be vocal people. Mr. Kilby said the City would not regulate the programming of the park and he has witnessed small dogs in the same enclosure as the large dogs. He held that some people were okay with it, while others were not. It depended on how much each dog gets along with other dogs.

Chair Simson stated her only other comment was a concern whether there was enough buffering to the neighbors. She spoke of the six foot tall fence, additional landscaping, and hours of operation that were not different from the rest of the park. Chair Simson stated she thought it was good for the City to have a place that gets dogs off the ball fields and the other places that they should not be leaving messes and put them in a place where dog owners have the resources to clean up after their dogs.

Chair Simson asked for a discussion from the Commission

Commissioner Meyer asked about using temporary signage that said *No Park Entrance* on Pine Street. Discussion followed and staff was directed to add the condition with findings.

With no other discussion, the following motion was received.

Motion: From Commissioner Alan Pearson to Approve the application, SP 15-01 Snyder Park Dog Park, with conditions adopting the Staff Report as presented with the amendment related to the signage referring to No Park Entrance on Pine Street. Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioner James Copfer, Chris Flores, and Lisa Walker were absent).

7. Planning Commissioner Announcements

Chair Simson encouraged everyone to go online or to the mezzanine at City Hall to view the information about the Sherwood West Preliminary Concept Plan, 1290 acres just west of Sherwood, which was being planned in a pre-concept plan. She added that the land was in the urban reserves and there had been a lot of work done, with a lot of work yet to do, and now was an opportunity to get involved at the ground level. She said people had an opportunity to see how the process works, to suggest changes and to provide input that would make a difference. Chair Simson pointed to an online survey and encouraged everyone to take the survey and forward it so more of the 18,000 residents could become interested in what was going on in Sherwood West. www.sherwoodoregon.gov/sherwoodwest

Vice Chair Griffin announce that the summer musical, *Into the Woods* would open at Stella Olsen Park July 8-11, 2015 with a live orchestra.

8. Adjourn

Chair Simson adjourned the meeting at 8:31 pm.

Submitted by:

Kirsten Allen

Planning Department Program Coordinator

Approval Date: _____